

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, March 6, 1990

Present: Commissioner Carl M. Loffler, Jr., President  
 Commissioner Robert Jarboe  
 Commissioner W. Edward Bailey, Commissioner  
 Commissioner John G. Lancaster  
 Commissioner Rodney Thompson  
 Edward V. Cox, County Administrator  
 Judith A. Spalding, Recording Secretary

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, February 27, 1990. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve payment of the bills as presented. Motion carried.

BALTIMORE GAS AND ELECTRIC - CALVERT CLIFFS

Present: John Smith, Public Affairs Office, BG&E  
 Charles H. Cruse, Manager, Nuclear Engineering Services, BG&E

The referenced individuals appeared before the Commissioners to present a status report on the operation of Calvert Cliffs. Mr. Cruse explained the history of the shutdown of Units One and Two by the Nuclear Regulatory Commission, and stated that BG&E is working toward getting off the Nuclear Regulatory Commission's close monitoring list. Short-term and long-term initiatives are being taken for corrective actions. He stated that BG&E has placed greater emphasis on quality and safety at the plant site. Unit One will reopen in March and then shut down again to check for any problems. Unit Two is scheduled to be reopened some time during the summer.

During discussion Commissioner Loffler requested information on the environmental impact of the gas turbines that BG&E is bringing on line in Anne Arundel County. He further inquired whether Mr. Smith could offer any suggestions as to the future for use of the Elms property as a power plant site in St. Mary's County.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) CRIMINAL JUSTICE SYSTEM MEETING

Also Present: Mary Pat Agostinelli, Administrative Officer

The County Administrator requested the Board's assistance in sponsoring a meeting the the County's criminal justice officials on Tuesday, April 10. The purpose of the meeting would be to discuss the criminal justice system caseload and associated costs which are escalating beyond our revenue. Mr. Cox suggested that this "brainstorming" session to identify cost-saving measures.

The Commissioners agreed to sponsor such a meeting, and, therefore the County Administrator presented correspondence addressed to criminal justice officials inviting them to the April 10 meeting at 3:00 at the Leonardtown Library. The Commissioners agreed to sign and forward the letter.

2) APPOINTMENTS  
COUNTY PUBLIC RELATIONS STUDY COMMITTEE

Commissioner Thompson moved, seconded by Commissioner Lancaster, and motion carried, to appoint the following individuals:

Harry Geiske	No Term
Susan Sloane	"
Dave Taylor	"
Hal Williard	"

3) COMMUNITY BASED YOUTH ASSESSOR PROGRAM  
NOTIFICATION OF GRANT AWARD

The County Administrator presented correspondence dated February 19 from the Governor's Office announcing award in the amount of \$8,997 from the Juvenile Justice Advisory Council for the Community Based Youth Assessor Program.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Statement of Grant Award and Conditions and Certified Assurances. Motion carried.

4) WICOMICO MUNICIPAL GOLF COURSE  
ALCOHOLIC BEVERAGE LICENSE RENEWAL APPLICATION

The County Administrator presented the application for the Wicomico Municipal Golf Course Beer and Wine License Renewal.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the application. Commissioner Thompson voted against stating that the County should not be in the liquor business. Motion carried four to one.

5) EMERGENCY MEDICAL SERVICES COUNCIL

The County Administrator presented correspondence from the Director of Emergency Management Agency Tom Oliver stating that EMS had been functioning as a part of the county's Ambulance and Rescue Association, and had been established as in conjunction with state guidelines for the grant process. Grant monies are no longer available. Mr. Oliver has recommended that the County EMS be placed in an inactive status.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to accept this recommendation. Motion carried.

6) WELCOME TO NEW RESIDENTS

The County Administrator advised that The Enterprise Newspaper is putting together a special edition for new residents in the community, and therefore, Mr. Cox presented a welcome letter for the Commissioners' signatures which will be included in the paper. The Commissioners agreed to sign the letter as presented.

7) INFORMATION RELEASE - FLAG DAY

The County Administrator presented an Information Release announcing that plans are underway to commemorate Flag Day and "Pause for the Pledge" on June 14.

8) RESOLUTION NO. 90-05  
CLOSING OF PORTION OF OLD ROUTE 249

The Commissioners having conducted a public hearing on February 20, Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign Resolution No. 90-05 to officially close and abandon a portion of Old Route 249 from its intersection with entry off of Rt. 249 to the barrier erected in the right-of-way for a distance of approximately 275 feet. Motion carried.

9) MARYLAND NATURAL GAS

The County Administrator advised that he had met with engineers from Maryland Natural Gas, who had indicated that MNG will be making application for laying gas lines and construction is expected to proceed in the fall. Service is anticipated to begin in June 1991. He stated that MNG officials will be coming before the Commissioners to discuss their plans.

REQUEST FOR RIGHT-OF-WAY  
FOREST LANDING ROAD

Present: Joseph Densford, County Attorney

Mr. Densford stated that the Commissioners are being requested by a property owner in the Forest Landing area to be able to use a 10-foot gravel right-of-way from Forest Landing Road to his property. Forest Landing is a county-owned public landing. He stated that the property owner would be responsible for maintenance and repair to the right-of-way. Before the property owner can get financing for construction, the bank has required that he have the right-of-way access to his property.

The Commissioners agreed to defer a decision until they had an opportunity to view the site.

OFFICE OF PLANNING & ZONING  
PUBLIC HEARINGS

Present: Jon Grimm, Director, OPZ  
Peggy Childs, Recording Secretary, OPZ

Mr. Grimm advised that this public hearing was advertised in The Enterprise on February 14th and February 21, 1990, for the following two cases:

ALPD #89-0429 - THOMAS COX/WALDO BURNSIDE

Requesting approval of sale of development rights easement for this agricultural land preservation district established in January 1990. The property contains 170 acres, is zoned R-1/RPD/RCA, and is located off of MD Route 252 (Wynne Road), on Tax Map 70, Blocks 12 & 17, Parcels 41 & 203.

Mr. Grimm presented the staff report, stating this has been reviewed by the local Agricultural Preservation Committee and Planning Commission and both have recommended approval, as it meets the State criteria as well as our own Comprehensive Plan criteria for preservation of agriculture. There is no appraisal yet but funds are available and County Commissioner approval would constitute a recommendation for purchase to the State. The Chair opened the hearing to public comment; none were made and this portion of the hearing was closed.

Commissioner Bailey moved to recommend to the State approval for the sale of development rights easement. Commissioner Lancaster seconded; motion passed unanimously.

ALPD #86-1703 - BERNARD I. JOHNSON

Requesting approval of sale of development rights easement for this agricultural land preservation district established in 1981. The property contains 200 acres, is zoned R-1/RPD, and is located in the 7th District on Bushwood Road; Tax Map 38, Block 3, Parcel 2.

This request, as well, has been recommended for approval by the local agricultural preservation committee and the Planning Commission and meets the criteria of the State and our own Comprehensive Plan. Funds are available. Commissioner Loffler asked for public comment; hearing none, testimony was closed.

Commissioner Lancaster moved to recommend approval to the State to purchase the easement. The motion was seconded by Commissioner Jarboe and passed unanimously.

INDUSTRIAL SITE PLANS

STSP #88-0078 - T & R ENTERPRISES

Requesting site plan approval for 14,560 square foot expansion of office, warehouse and retail space to an existing 4,800 square foot commercial building. The property contains 2.53 acres, is zoned I-1, and is located on Route 235 south of Airport View Drive in Hollywood; Tax Map 34, Block 2, Parcel 129.

Owner/Applicant: T & R Enterprises

Present: Joe and Ronny Guy  
Billy Higgs & Mark Buchenic, of McCrone, Inc.

Mr. Grimm presented the site plan, explaining there was a secondary request for a stormwater management easement from the County to allow applicant use of the County facility. Planning Commission recommend approval contingent upon the SWM easement being signed by the Commissioners; stormwater management calculations by DPW; and an SHA entrance permit. SMECO has signed an easement for landscaping and all conditions have been met except SWM calculations, and these will be worked out with DPW. Applicant is relocating and improving the entrance for use by tractor/trailers; SHA indicates approval of design.

Commissioner Baileymoed to accept the Planning Commission's recommendation and approve the site plan. Commissioner Thompson seconded; motion carried.

Commissioner Bailey then moved to authorize the President to sign the stormwater management easement, which has been reviewed by the County Attorney. Commissioner Thompson seconded; motion carried. Mr. Grimm added staff would withhold the building permit until approvals were in hand.

STSP #85-0063 - THE GREENS AT HILTON RUN

PHASE II, Section 1

Requesting final site plan approval for 72 apartment units, located on 6.9 acres, zoned PD-IP, off of Willows Road on the south side of Hilton Drive. The property is shown on Tax Map 51, Block 10, Parcel 265A.

Mr. Grimm stated the plan has received final approval from all agencies and the Planning Commission has recommended approval. The AICUZ line crosses this property; however, density in the AICUZ portion is within the 2 unit per acre requirement. The road is already constructed back to the apartments in the rear.

Commissioner Bailey moved for final site plan approval based upon staff's and the Planning Commission's recommendations. The motion was seconded by Mr. Lancaster and passed unanimously.

ZONING ORDINANCE

Present: Jon Grimm, Director, Office of Planning and Zoning

Mr. Grimm advised that the draft Zoning Ordinance will hopefully be printed next week and inquired whether the Commissioners would want to schedule a second public hearing. The Commissioners agreed to wait until they have received the document prior to scheduling the hearing. Mr. Grimm will return to the Board next week to present a summary of the document.

PROCLAMATIONS

The Commissioners presented the following proclamations:

Daffodil Days

Present: Mike Dugan

The Commissioners issued a Proclamation designating March 22-31 as Daffodil Days sponsored by the American Cancer Society.

Newspaper in Education Week

Present: Carol Rinker, Southern Md. NIE Representative

The Commissioners issued a Proclamation designating March 5 - 9 as Newspaper in Education Week.

ST. MARY'S ARTS COUNCIL

Present: John Baggett, Director, Recreation and Parks  
Nadya Drury, President  
Eleanor Hughes, Executive Director for Arts Council

Mr. Baggett introduced Nadya Drury as the new president of the St. Mary's Arts Council. Mrs. Drury explained the activities of the Council stating that they provide grants to groups interested in promoting the arts and they represent the County throughout the State in promoting arts in the area.

The Commissioners indicated their support of the Council and expressed appreciation for their efforts in promoting the arts.

ECONOMIC DEVELOPMENT COMMISSION  
ST. MARY'S COUNTY AIRPORT DEVELOPMENT

Present: James Kenney, Chairman, EDC  
F. Elliott Burch, Jr., "  
George Haliscak, "

The referenced individuals appeared before the Commissioners to presented the following recommendations with regarding county airport development:

- Redesignate the Airport Industrial Park to be the Research Park;
- Hire a project manager to oversee Airport development and Research Park;
- Raise priority of providing water/sewer to Airport;
- Request Congressman Dyson to expedite funding for redevelopment of the Airport from FAA including:
  - Increasing runway to 5000' by 100'
  - Constructing parallel taxiways on both sides of runway
  - Increasing hard stand parking by 200,000 square feet
  - Providing navigation/communication/control facilities for regional airport.

- Authorize immediate letting of a design/engineering contract for Airport Development and Research Park.
- Request Governor's support and sponsorship of Development and Research Park.
- Request development of capital budget for both projects
- Expedite the easements and land acquisition for the runway extensions
- Authorize Airport Commission to begin discussion with aircraft maintenance organizations to develop a complete overhaul facility and air package delivery services.

During discussion Commissioner Loffler suggested that staff develop recommendations as to property acquisitions, costs, etc. for discussion in two weeks at which time the EDC will presenting its Annual Report.

In conclusion the Commissioners indicated general concept proposal to the referenced representatives of EDC.

#### SHERIFF'S DEPARTMENT - ANNUAL REPORT

Present: Sheriff Wayne Pettit

Sheriff Pettit appeared before the Commissioners to present the Sheriff's Department Annual Report for 1989. The Report included personnel, service calls, criminal activities and arrests, narcotics report, investigations, traffic activities and other projects and activities. Sheriff Pettit recommended that the Commissioners use the report during their deliberations on the FY '91 budget. A copy of the report is on file in the Commissioners' Office.

#### UNCLAIMED BICYCLES

Sheriff Pettit advised that there are 17 abandoned and unclaimed bicycles in the Sheriff's Department, and Mr. Humphries of St. Clements Museum has requested donation of some of them for the annual Richard D. Arnold Memorial Auction. He stated that the County has done this for the past two years.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to donate ten of the bicycles for the auction. Motion carried.

#### OFFICE ON AGING ADULT DAY CARE GRANT - FISCAL YEAR 1991

Present: Gene Carter, Director, Office on Aging  
Jennie Page, Office on Aging

Mr. Carter appeared before the Commissioners to present an Adult Day Care Grant proposal for FY '91. He stated that there are two components to the Grant: (A) Continuing Funding for Care Provided - PMA Grant which provides day care services for nine clients above the medical assistance level. Total funding is from the State in the amount of \$51,760. (B) "Action for Seniors" Funding - Smile share day care for eighteen days of service per month for six clients above medical assistance level. Total funding is in the amount of \$53,785 (State - \$31,105, County - \$9,720, Client - \$12,960).

Mr. Carter requested the Commissioners approval of the grant application and for the Board to commit the \$9,720 from the FY '91 Budget.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to commit the \$9,720 from the FY '91 budget as requested and to authorize Commissioner Loffler to sign the application as presented. Motion Carried.

COUNTY COMMISSIONERS' TIME

1) Critical Areas

Also Present: Jeff Jackman, Land Use Planner

Commissioner Loffler stated that correspondence and minutes have been received which need to be addressed by the Commissioners:

- ° February 7, 1990 minutes from Critical Area Commission whereby the Commission voted 15 to 1 to take the full 30-day period before making a decision on St. Mary's County's proposed change, and that the County consider designating the five acres surrounding the wharf as LDA and the remaining as RCA on Tax Map 48.
- ° February 27 letter from Chairman of Critical Areas Commission noting corrections with regard to dates by which Soil Conservation and Water Quality Plans must be in place for agricultural land within the critical area.
- ° February 26, 1990 letter from Dan Guenther suggesting a revote on the Tax Map 48 issue.

Mr. Jackman presented correspondence addressed to the Critical Area Commission changing the dates as recommended in the 2/27 letter from the Critical Area Commission.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the letter to the Critical Area correcting the dates as recommended. Motion carried.

With regard to the other suggestions, Commissioner Loffler stated he would entertain a motion to to change the action taken by the Board on February 6 with regard to Tax Map 48. There was no motion.

2) BOARD OF EDUCATION MEETING TOPICS

The County Administrator distributed a list of topics for discussion for the joint Board of Education/County Commissioner meeting with Dr. Stenzler of the Interagency for School Construction.

The Commissioners agreed to the list as presented.

3) QUIT CLAIM DEEDS  
BOATEL CALIFORNIA

Also Present: Joe Densford, County Attorney

As a follow up to last week's discussion, Mr. Densford stated he had met with the attorney for Boatel California applicant to developer alternatives with regard to the Quit Claim Deeds. As a result of that meeting, Mr. Densford presented the following Deeds between Hugo DeCesarius and the Board of County Commissioners:

- ° Conveying to the County First Street and A Street and granting applicant ingress and egress;
- ° (Two alternative deeds for Parcel A)  
First Alternative - Conveying Parcel A containing .189 acres to the County and acknowledging exclusive right and ownership of existing pier and allowing 20 ft. right-of-way over Parcel A.
- ° Second Alternative - Conveying Parcel A to the County with no reference to the pier or right-of-way.

Mr. Densford suggested that the Commissioners accept the referenced Deeds with the provision that the applicant must meet the Planning Commission's requirement with regard to clearing of the title. He stated that the Commissioners could defer a decision on which of the two alternatives Deeds to accept, conduct a public hearing during which time the residents and applicant could present positions with regard to ownership to the pier, and then the Commissioners could make a decision as to which Deed to accept. Mr. Densford advised that the applicant has indicated that whatever decision the Commissioners arrive at after the public hearing would be final, and there would be no appeal of that decision.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to accept the Deed for A Street and First Street with the understanding that they are not accepted into the County's Highway Maintenance System. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to accept both alternative Deeds, one of which the Commissioners will record after the public hearing. Motion carried.

In response to an inquiry from Mr. Densford, the Commissioners gave their concurrence that the Planning Commission's condition for clear boundaries had now been met by these actions.

#### FISCAL YEAR 1991 BUDGET REVIEW

Present: Charles Wade, Director of Finance  
Marty Jones, Budget & Fiscal Analyst

At this time Mr. Wade reviewed with the Commissioners the Tentative Recommended Budget for Fiscal Year 1991 and explained the deleted items for each department.

7:00 P.M.

#### BOARD OF ELECTRIC EXAMINERS - ANNUAL REPORT

Present: Kirk Sterling, Chairman  
Bob Russell, Treasurer

The referenced individuals appeared before the Commissioners to present the Electrical Examiners Board Annual Report for 1989 citing its purpose, past activities and accomplishments, and plans for 1990. A copy of the report is on file in the Commissioners' Office.

#### AIRPORT COMMISSION - ANNUAL REPORT

Present: George Haliscak, Chairman  
John Paradis

The referenced individuals appeared before the Commissioners to present the Airport Commission's Annual Report for 1989 explaining services provided, projects completed, planned airport development, operations, and significant events of 1989. A copy of the report is on file in the Commissioners' Office.



PUBLIC FORUM

(Commissioner Bailey was not present.)

The Commissioners conducted a public forum accepting questions and comments from the audience. Participants were as follows:

PACE (Program of Advanced Challenge and Enrichment)

Sharon Brown presented information relative to the referenced program.

Chesapeake Bay Critical Area - Maryland Rock

The following individuals spoke in opposition to the Commissioners' decision of February 6 to designate Tax Map 48, property known as Maryland Rock, as an IDA: Oran Wilkerson, Pat O'Donnell, Phil Dorsey, Alec Loker, Leonard Greess, Ann Loker, Ann Loker, Jr., Ron Schugg, Tom Gardiner, Marie Gardiner, Jack Whitten, Millicent Whitten, Tom Hess, Laura Fenwick, George Fleury, Rae Thompson.

James Beavan also spoke on the matter inquiring as to why these individuals were opposed to the mining of gravel at Maryland Rock.

During discussion Commissioner Thompson moved, seconded by Commissioner Loffler, to change Tax Map 48 designation from IDA to its original designation of RCA. (Commissioner Loffler stepped down as Chairman to second the motion.) Two Commissioners voted in favor with Commissioners Jarboe and Lancaster voting against. Motion defeated because of a tie.

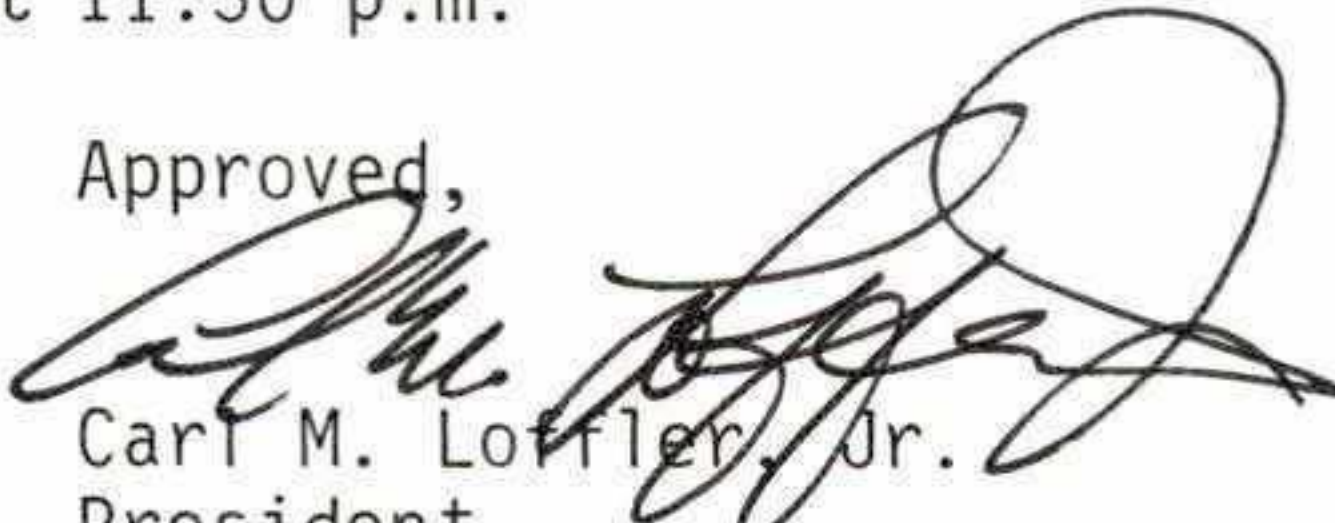
Later in the discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to request the Critical Area Commission to defer a decision on Tax Map 48 for 30 days until after the Commissioners get a clarification as to compliance with the County's policy of the ten-day period for receiving evidence, referring to the map received by Commissioner Jarboe. Motion carried three to one with Commissioner Lancaster voting against.

After considerable discussion Commissioner Lancaster moved, seconded by Commissioner Thompson to change the previously stated designation for Tax Map 48 of IDA to RCA, therefore negating the need for the Critical Area Commission to defer a decision on Tax Map 48. Three Commissioners voted in favor with Commissioner Jarboe voting against. Motion carried three to one.

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Approved,

  
Carl M. Loffler, Jr.  
President

Tuesday, March 7, 1990

FISCAL YEAR 1991 BUDGET WORK SESSION

Commissioner Bailey was not present.

The Commissioners met with the Director of Finance in a work session on the FY 1991 Budget.